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5 UNITED STATES OF AMERICA,6  
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8 No. CR 14-00306 WHA

9 Plaintiff,

10  
11 v.  
12 LUKE D. BRUGNARA,

13 Defendant.

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**ORDER RE SUBPOENAED  
ATTORNEYS'  
COMMUNICATIONS AND  
TESTIMONY AT TRIAL**

Last month, the Clerk issued subpoenas to Assistant Federal Public Defender Brandon LeBlanc, Attorney Harris Taback, and Attorney Robert Kane, so that those attorneys would deposit certain sealed communications with the Court and be available to testify at defendant's trial. Thereafter, the parties stipulated to Edward Swanson as special master, so that he may review *in camera* those sealed communications between defendant and the subpoenaed attorneys (Dkt. Nos. 124, 125).

To the extent that defendant's trial is rescheduled for new dates, it is the government's burden to seasonably serve new subpoenas on Attorney LeBlanc, Attorney Taback, and Attorney Kane, or to reach standby agreements therewith, so that the subpoenaed attorneys are available to testify at defendant's trial on the rescheduled dates. The same is true for Special Master Swanson. The government must make sure that he remains available during trial.

All should be further aware, however, that the subpoenaed attorneys' return date does not automatically track new trial dates if they are continued from time to time.

1           Additionally, the government shall promptly advise all subpoenaed lawyers that when the  
2 time for resolution of the attorney-client privilege issue comes, the time within which to rule will  
3 be very short and that the subpoenaed attorneys are invited to file a brief on the subject by the  
4 first day of trial.

5           Furthermore, the undersigned judge is in receipt of certain sealed communications  
6 deposited by Attorney LeBlanc and Attorney Kane. Should Special Master Swanson wish to  
7 retrieve those sealed communications for review so that he can determine which of those sealed  
8 communications are subject to the attorney-client privilege and which are not, he will please  
9 contact Courtroom Deputy Dawn Toland at (415) 522-2020 for pick-up.

10          The government will please immediately serve a copy of this order on Attorney LeBlanc,  
11 Attorney Taback, Attorney Kane, and Special Master Swanson.

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13          **IT IS SO ORDERED.**

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15          Dated: October 7, 2014.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE